IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.528 OF 2005

Premji Kanji Shah ..Petitioner.

Vs.

Shramik Sahakari Bank Ltd. & Ors. ..Respondents.

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Mr.T.G.Vora i/b M/s.Tamhane & Co. for the Petitioner.

Mr.Vijay Mane with Mr.A.S.Desai for Respondent Nos.1 and 2.

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CORAM : DR.D.Y.CHANDRACHUD, J.

1st March, 2005.

P.C. :

The objection of the Petitioner is that an attachment has been levied in respect of Shop Nos.2B/2C, Chiman Niwas, Gopal Lane, M.G. Road, Ghatkopar (W), Mumbai 400 086 which is in the ownership of the Petitioner. According to the Petitioner the shops were given on leave and licence basis to the Third Respondent on 8th May,

1997. The Petitioner has annexed to these proceedings, the deed of 18th February, 2002 by which the Petitioner obtained title to the premises. According to the Petitioner he was earlier a tenant in respect of these premises which were subsequently converted into ownership property.

The objection of the Petitioner to the attachment can be considered by the Special Recovery Officer under Rule 107(19) of the Maharashtra Co-operative Societies Rules, 1961. The only grievance of the Petitioner is that this objection has not been considered and that he has been relegated from one forum to another. In these circumstances, the Petition is disposed of by directing the Special Recovery Officer to consider the objection filed by the Petitioner under Rule 107(19) to the order of attachment. The parties shall appear before the Special Recovery Officer on 7th March, 2005 for directions. The Special Recovery Officer shall dispose of the objection and pass final orders thereon on or before the end of 31st March, 2005.

The Petition is accordingly disposed of. There shall be no order as to costs.